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4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA

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7 RUDY JAMES LOPEZ,

8 Plaintiff,

9 v.

10 ANTIGUA MAINTENANCE
11 CORPORATION, et al.,

12 Defendants.

Case No. 2:18-cv-00457-GMN-PAL

ORDER

(Receipt of Initiating Docs. – ECF No. 1)

13 This matter is before the court on Plaintiff Rudy James Lopez's failure to pay the standard
14 filing fee or submit an application to proceed *in forma pauperis* ("IFP"), meaning without
15 prepaying the filing fees. This proceeding is referred to the undersigned pursuant to 28 U.S.C.
16 § 636(b)(1)(A) and LR IB 1-3 of the Local Rules of Practice.

17 Mr. Lopez has submitted a complaint as part of his initiating documents (ECF No. 1), but
18 he did not submit an IFP application or pay the \$400 filing fee. Pursuant to 28 U.S.C. § 1914(a)
19 and the Judicial Conference Schedule of Fees, a \$400 filing fee is required to commence a civil
20 action in a federal district court. The court may authorize a person to commence an action without
21 prepaying the \$400 fee if the person files an IFP application, including an affidavit stating that he
22 is financially unable to pay the fee. *See* 28 U.S.C. § 1915(a)(1); LSR 1-1. The court will therefore
23 instruct the Clerk of the Court to mail Lopez one blank copy of the IFP application. Mr. Lopez
24 will have until **April 20, 2018**, to submit a completed IFP application or pay the \$400 filing fee.

25 If Lopez submits a suitable IFP application and is granted IFP status, the court will then
26 screen his complaint. Federal courts must screen any IFP complaint before allowing the case to
27 move forward, issuing summons, and requiring an answer or responsive pleading. *See Lopez v.*
28 *Smith*, 203 F.3d 1122, 1129 (9th Cir. 2000) (en banc). If the court determines that the complaint

1 states a plausible claim for relief, the Clerk of the Court will be directed to issue summons to the
2 defendant(s) and the plaintiff must then serve the summons and complaint within 90 days. *See*
3 Fed. R. Civ. P. 4(m). If the court determines that the complaint fails to state an actionable claim,
4 the complaint is dismissed without prejudice and the plaintiff is ordinarily given leave to amend
5 with directions as to curing the pleading deficiencies unless it is clear from the face of the
6 complaint that the deficiencies cannot be cured by amendment. *Cato v. United States*, 70 F.3d
7 1103, 1106 (9th Cir. 1995).

8 In addition, the court notes that Mr. Lopez is currently proceeding in this action *pro se*,
9 which means he is not represented by an attorney. *See* LSR 2-1. This case has been referred to
10 the Pro Bono Pilot Program for “the purpose of screening for financial eligibility (if necessary)
11 and identifying counsel willing to be appointed as pro bono counsel.” *See* Mar. 20, 2018 Order
12 (ECF No. 4). However, a referral to the program does not guarantee that an attorney will be willing
13 and available to accept the appointment.¹ Mr. Lopez must therefore comply with all procedural
14 rules and court orders on his own behalf unless and until counsel files a notice of appearance.

15 The Local Rules of Practice require parties to file a certificate of interested parties
16 identifying “all persons, associations of persons, firms, partnerships or corporations (including
17 parent corporations) that have a direct, pecuniary interest in the outcome of the case.” LR 7.1-
18 1(a). The certificate of interested parties must be filed with a party’s “first appearance, pleading,
19 petition, motion, response, or other request addressed to the court.” LR 7.1-1(c). Upon filing the
20 complaint, Lopez was required to file his disclosure. *Id.* Mr. Lopez will have until **April 20, 2018**,
21 to file a certificate of interested parties in compliance with LR 7.1-1.

22 Accordingly,

23 **IT IS ORDERED:**

- 24 1. The Clerk of Court shall RETAIN the Complaint (ECF No. 1-1), but **SHALL NOT**
25 issue summons.

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27 ¹ Courts may request that an attorney represent party on a pro bono basis, but they cannot require counsel
28 to do so or direct payment for a party’s attorney’s fees. *See, e.g., Mallard v. United States Dist. Ct.*, 490
U.S. 296, 304–05 (1989); *United States v. 30.64 Acres of Land*, 795 F.2d 796, 798–804 (9th Cir. 1986).

